



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,118	08/31/2001	Raj Kumar	M-11731 US	2074

34036 7590 06/14/2005

SILICON VALLEY PATENT GROUP LLP
2350 MISSION COLLEGE BOULEVARD
SUITE 360
SANTA CLARA, CA 95054

EXAMINER

DAS, CHAMELI

ART UNIT	PAPER NUMBER
----------	--------------

2192

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,118

Applicant(s)

KUMAR ET AL.

Examiner

CHAMELI C. DAS

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 23-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 and 23-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/14/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

1. This action is in response to the remarks filed on 1/12/05.
2. Claims 15-22 have been canceled.
3. Claims 26-29 have been added.
4. The IDS filed on 2/14/05 has been considered.
5. Claims 1-14, 23-29 are pending.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, 14, 23-25, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Hapner et al, (Hapner), US 5,692,183.

As per claim 1, Hapner (US 5,692,183) discloses:

- ***creating a new object for a new instance of the application*** (abstract lines 12-15, "An object developer develops object implementations which the distributed object ***generates distributed objects*** with, in the process automatically providing transparent persistence."), (col 5 lines 23-25, "the object constructor, the object constructor being used to ***create an instance of an object*** in accordance with one embodiment of the present invention")

- ***using an existing object of an existing instance*** (col 8 lines 60-67, “an object “class” is a template from which an object can be created. It is used to specify the behavior and attributes common to all objects of the class. The mechanism by which ***new classes are defined from existing classes*** is “inheritance.” “Subclasses” of a class inherit operations of their parent class. As is well known, “inheritance” is a mechanism by which reusability is facilitated”) and (col 9, lines 48-67, “The servant object 150 is one instance of a distributed object ... which is inherited from the above-described data object classes”)
- ***said existing instance being one of the multiple instances*** (col 10, lines 50-54), where the plurality of objects (multiple instances) residing in a plurality of processes (col 10 lines 65-67) and (col 8 lines 60-65)
- ***setting up a connectivity between the new instance and the network*** (col 8, lines 40-43, “***establishing a connection with the target object*** and passing the call. The ORB together with an Object Adapter (OA) is responsible for working with the client and the target object to perform these services”), where “target object” is the new instance (col 6 lines 38-39), where server object is the distributed object which is created (col 6, line 21, “distributed objects can be object clients or object server”) and the clients are connected with a network (col 11 lines 1-5, “distributed objects, computer processes, and clients of the distributed objects are resident on one or more computers ***linked together by a network***”)

- ***starting execution of the new instance*** (col 12, lines 32-33, "the object is created, active, and able to accept requests for service"), where the created object (new instance) is active, clearly indicates that new instance is executed because in activation state the object is executed (col 10 lines 2-4, "Both the initialization function (executed during creation) and the ***activation function (executed during activation)***")
- ***wherein the new instance uses the new object, and the connectivity to access a resource shared by the multiple instances*** (abstract, lines 12-15, and col 10, lines 64-67), where " a single database accessible to a plurality of distributed objects" clearly indicates that the "connectivity to access a resource shared by the multiple instances" as claimed.

As per claim 2, Hapner (US 5,692,183) discloses:

- ***making a copy of said existing object*** (col 7 lines 38-41, "When the object is activated, thereby ***generating a single instance of the object class***, the instance inherits behavior and attributes of the object class including the data pointer to the data object. The present invention teaches, upon object activation, ***creating a replica of a persistent data object*** and replacing the initial data pointer to the data object with a pointer to the persistent data object")
- ***renaming the copy using name of the new instance*** (col 7 lines 42-44, col 10 lines 8-20), where "original data object pointer" is replaced during creation

or activation indicates that renaming the copy of the new instance because the "object pointer" is used as the "reference" or "identifier" (name) in the distributed environment (col 8 lines 8-17).

As per claim 4, Hapner (US 5,692,183) discloses:

- ***adding an entry for the new instance to a file in a computer to describe the new instance*** (col 12 lines 12-14, col 5 lines 5-10), where "database" is the file in the computer system (col 4 lines 52-67, col 5 lines 1-4).

For claim 5, (Hapner, col 11 lines 1-12).

As per claim 6, Hapner discloses creating (col 5 lines 23-25), setting up connectivity (col 8 lines 35-40), starting execution (col 12, lines 32-33) and (col 10, lines 2-4).

Hapner further discloses object related data are managed automatically (col 7 lines 14-16) and the present invention are implemented automatically by an object development framework (col 8 lines 45-46) clearly indicates that creating, setting up connection and starting execution are automatically performed in the computer as claimed.

As per claim 14, (Hapner, col 6 lines 6-15, col 12 lines 1-10).

Claims 23 –24 are the system claims corresponding to the method claims 1-2 and rejected for the same reason set forth in connection of the rejection of claims 1-2 above.

For claim 25 (Hapner, col 14 lines 3-25).

For claim 28 (Hapner, col 9 lines 62-67, col 10 lines 1-10).

For claim 29 (Hapner, col 10 lines 7-20).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hapner, US 5,692,183 and further in view of official notice taken by the Examiner.

As per claim 3, Hapner discloses choosing a name for the new instance (col 12 lines 48-52), where "data pointer" is used as object reference (name). Hapner discloses the system automatically manages the object's related data (col 7 lines 14-15) and the present invention has implemented automatically by an object developments framework (col 8 lines 45-47). Hapner does not specifically disclose automatically choosing. However, official notice is taken for automatically choosing. The modification would be obvious because one of the ordinary skill in the art would be motivated to complete a task by reducing or eliminating human intervention.

As per claim 7, Hapner discloses a list of computers in said plurality (Fig 5 and col 11 lines 1-14). Hapner does not specifically disclose "displaying a list". However,

official notice is taken for displaying information. The modification would be obvious because one of the ordinary skill in the art would be motivated to implement a system where the user can view the list of elements (computers) at a single time on a computer screen.

Hapner does not specifically disclose user selection of a computer. However official notice is taken for user selection of computers. The modification would be obvious because one of the ordinary skill in the art would be motivated to implement a user-friendly environment in a system.

As per claim 8, the rejection of claim 7 is incorporated and further Hapner discloses each computer is said list does not have an instance of said application (abstract, lines 12-15) and col 4 lines 40-65 clearly shows that certain environment can create new object or instance. Thus all the computers do not have the instance of the application.

As per claim 9, the rejection of claim 7 is incorporated and further Hapner discloses at least one computer has one instance of said application (col 4 lines 35-65).

As per claim 12, (col 5 lines 1-10), and the database (file) is accessed to a plurality of distributed objects (col 10, lines 65-67).

8. Claims 13, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hapner, US 5,692,183 and further in view of Callsen et al, US 6,438,616

As per claim 13, Hapner does not disclose entry of new instance to a private file. However, Callsen discloses entry of new instance to a private file (col 4 lines 13-30). The modification would be obvious because one of the ordinary skill in the art would be motivated to reduce computing overhead by adding the object to a local file (private file).

As per claim 26, Hapner does not disclose that new instance more powerful or less powerful than the existing instance. However, Callsen discloses that new instance more powerful or less powerful than the existing instance. (col 11 lines 55-66), where a customization object is created inherently including the new instance (customized object) can be more or less powerful from the existing instance. The modification would be obvious because one of the ordinary skill in the art would be motivated to implement the object according to the user or customer's desires.

9. Claims 10, 11 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hapner, US 5,692,183 and further in view of official notice taken by the Examiner and Snyder et al (Snyder), US 6,640,255

As per claim 10, Snyder discloses installing software for said application ... does not have said software (Snyder col 11 lines 57-65). The modification would be obvious because one of the ordinary skill in the art would be motivated to check for the presence of the system resources that are vital for the system.

As per claim 11, Snyder discloses setting up resources ... computer (Snyder, col 11 lines 57-65), where checking for the presence of system resources that are vital to server operation at runtime and the system is running without exception, inherently including setting up resources as claimed. The modification would be obvious because one of the ordinary skill in the art would be motivated to run the system properly.

As per claim 27, Snyder discloses static configuration as claimed (Snyder, col 14 lines 13-24). The modification would be obvious because one of the ordinary skill in the art would be motivated to implement a permanent resource configuration to operate the system properly.

Conclusion

10. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: System and method for synchronizing objects between two devices, US 6862617 B1

TITLE: Method and system for distributing updates by presenting directory of software available for user installation that is not already installed on user station, US 6557054

TITLE: Methods and apparatus for providing transparent persistence in a distributed object operating environment, US 5692183 A

TITLE: System for distributing computer programs, US 6298480 B1

TITLE: Visual composition tool for constructing application programs using distributed objects on a distributed object network, US 6189138 B1

TITLE: Object oriented software development tool for creation of new class(es), US 6070006 A

Art Unit: 2192

TITLE: Method of providing persistence to object in C++ object oriented programming system, US 6275828 B1

TITLE: Object oriented programming system with objects for dynamically connecting functioning programming objects with objects for general purpose operations, US 6694506 B1

TITLE: Method and apparatus to make and transmit objects from a database on a server computer to a client computer, US 6591272

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group is (703) 872-9306.

After October 25, 2004, the examiner can be reached at new telephone number (571) 272-3696, and the examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-2100.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER
6/10/05